other hand the writ has been allowed where there was no other claimant or occupant. *State* v. *Daggett,* 28 Wash. 1; *State* v. *Hewitt,* 3 S. Dak. 187; *Metsker* v. *Nealey,* 41 Kan. 122; or there was merely a pretended retention of the office. *People* v. *Kilduff,* 15 Ill. 492. It has also issued to compel the recognition of an officer until the title could be properly determined. *In re Delgado,* 140 U. S. 586; *Keough* v. *Aldermen,* 156 Mass. 403. Where other remedies involved delay or were inadequate the writ has been held proper to try the title to office in several states. *Morton* v. *Broderick,* 118 Cal. 474; *Harwood* v. *Marshall,* 9 Md. 81; *State* v. *Jaynes,* 19 Neb. 161. Virginia and Wisconsin appear to have been even more liberal. *Sinclair* v. *Young,* 100 Va. 284; *State* v. *Oates,* 86 Wis. 634.

[Recent press dispatches report that, on appeal, ex-Mayor Schmitz has been held not guilty. The state may now carry the case to the supreme court of California, which held in the principal case that his appeal, then pending, did not affect its decision.]

NAVIGABLE WATERS—RIGHT OF ACCESS BY RIPARIAN OWNER.—Appellant is the riparian owner along the west bank of the Mobile River, and had constructed wharves and piers in front of its land bordering on the river and within the city of Mobile. The appellee city was about to fence off the shore and deprive appellant of any access to the river and of the use of its improvements. Appellant filed a bill to enjoin such interference. *Held,* the state holds the shores and beds of navigable streams in trust for the public; but riparian owners have a special property right as such, and have the right to dock out, subject to the rights of navigation and the rules of public control. *Mobile Transportation Co.* v. *City of Mobile et al.* (1907), — Ala. —, 44 So. Rep. 976.

Under the old common law any structure built over navigable water was removable as a purpresture, i. e., an invasion of the sovereign's private property in the bed of a navigable stream. *Shively* v. *Bowlby,* 152 U. S. 1; GOULD, WATERS, § 167. This doctrine, however, has been departed from in most of the states. In *People* v. *Mould,* 37 N. Y. App. Div. 35, it is said that the state holds the title to lands under water in trust for the public, and that the public derives benefit from the erection of wharves. The best reason for abandoning the English rule is given as the basis for the decision in *Trustees, etc., of Brookhaven* v. *Smith,* 188 N. Y. 74. It is there argued that the right to wharf out is a necessary part of a right of access to navigable water, and that the old purpresture doctrine would so hinder commerce that it has become inapplicable to American conditions. The decision in the principal case is supported by similar reasoning. In some jurisdictions, however, the purpresture doctrine is still recognized. *Revell* v. *People,* 117 Ill. 468.

PARTY WALLS—CONTRIBUTION BETWEEN ADJOINING OWNERS TO COST OF ERECTION.—Two buildings on adjoining lots were divided by a party wall. Subsequently plaintiff's vendors, the owners of one lot and building, extended the division wall at their own expense and under no agreement with the